

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Banking and Insurance

BILL: SB 460

INTRODUCER: Senator Brandes

SUBJECT: Personal Delivery Devices

DATE: March 31, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Miller</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>Matiyow</u>	<u>Knudson</u>	<u>BI</u>	<u>Pre-meeting</u>
3.	<u>_____</u>	<u>_____</u>	<u>RC</u>	<u>_____</u>

I. Summary:

SB 460 authorizes the operation of personal delivery devices (PDDs) within county or municipal jurisdictions, unless prohibited by local ordinance. The bill allows local governments to adopt regulations for the safe operation of PDDs, prohibits PDD operation on the Florida Shared-Use Nonmotorized Trail Network, and requires a PDD operator to maintain specified insurance coverage. The bill also revises cross-references to conform to changes made in the act.

The bill takes effect July 1, 2017.

II. Present Situation:

Personal Delivery Devices

Personal delivery devices (PDDs) are low mass, low speed devices traveling on sidewalks using mapping, navigation, and obstacle avoidance technology. These devices are equipped with cameras and sensors and are monitored by a remote operator. PDDs are designed to be a low cost, low-emissions method of delivery.¹ PDDs are currently being tested in various communities in the United States and Europe. At least one other state, Virginia, has enacted legislation authorizing the use of PDDs on its sidewalks.²

Currently, Florida law does not contain any provisions regarding the operation of PDDs.

¹ Starship Technologies Frequently Asked Questions (on file with the Senate Committee on Banking and Insurance).

² <http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+HB2016ER+pdf> (last viewed March 28, 2017).

Federal Law Relating to Motorized Vehicles on Sidewalks

Federal law, specifically 23 U.S.C. s. 217(h), prohibits any motorized vehicle on pedestrian walkways funded in whole or in part with federal dollars³ except for maintenance purposes, snowmobiles when snow conditions and state or local regulations permit, motorized wheelchairs, electric bicycles when state or local regulations permit, and such other circumstances as the U.S. Department of Transportation secretary deems appropriate.

Sidewalk⁴ and Crosswalk⁵ Use in Florida

Florida law currently does not contain any provisions relating to the operation of a PDD but does contain provisions relating to other sidewalk and crosswalk uses. For example:

- Section 316.008(7), F.S., authorizes counties or municipalities to enact an ordinance permitting, controlling, or regulating the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law;
- Section 316.1945(1)(a), F.S., with certain exceptions, prohibits stopping, standing, or parking a vehicle on a sidewalk, a crosswalk, or a bicycle path; and
- Section 316.1995, F.S., with certain exceptions, prohibits driving any vehicle other than by human power on a bicycle path, sidewalk, or sidewalk area.

Florida Registration and Insurance Requirements

Similarly, Florida law currently does not contain any provisions relating specifically to registration of PDDs or required insurance to cover damages caused by their operation.

III. Effect of Proposed Changes:

The bill establishes a regulatory framework for PDD operations in the absence of a local prohibition. The bill authorizes local governmental entities to regulate PDD operations within their county or municipal jurisdictions so long as such regulation and operation are permissible under federal law.

³ Surface Transportation and Congestion Mitigation Program Funds and National Highway Performance program funds apportioned to the states may be used, respectively, for construction of pedestrian walkways and bicycle transportation facilities. 23 U.S.C. s. 217(a) and (b).

⁴ “Sidewalk” is defined in s. 316.003(70), F.S., to mean that portion of a street between the curblines, or the lateral lines, of a roadway and the adjacent property lines, intended for use by pedestrians.

⁵ “Crosswalk” is defined in s. 316.003(15), F.S., to mean that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and, any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Section 1 of the bill amends s. 316.003, F.S., adding new subsections (51) and (52) to define the following terms:

- “Personal delivery device” means a motorized device for use primarily on sidewalks and crosswalks at a maximum speed of 10 miles per hour, which weighs 50 pounds or less excluding cargo, and which is capable of all of the following:
 - Transporting items with or without a PDD operator directly controlling the device;
 - Identifying and yielding to pedestrians, bicyclists, and other lawful user of public space;
 - Identifying and yielding to property;
 - Navigating public thoroughfares;
 - Interpreting traffic signals and signs at crosswalks; and
 - Directing a PDD operator to assume actual physical control over the navigation and control of the device and coming to an off-roadway controlled stop in the event an operator is unable to assume actual physical control. A PDD must have a plate or marker that identifies the name and contact information of the PDD operator.
- “Personal delivery device operator” means an entity or its agent that exercises direct physical control over the navigation system and operation of a PDD. The PDD operator is legally responsible for the navigation and operation of a PDD. The term does not include any person or entity that requests, or contracts for, the service of a PDD for transporting property. The term “agent” means a person charged by the entity with the responsibility of navigating and operating the device.

Section 2 amends s. 316.008(7), F.S., authorizing PDD operation within county or municipal jurisdictions when such use is permissible under federal law, unless a county or municipality enacts an ordinance to prohibit such operation. The bill expressly does not restrict a county or municipality from otherwise adopting regulations for the safe operation of a PDD. However, the bill prohibits PDD operation on the Florida Shared-Use Nonmotorized Trail Network.⁶

Section 3 creates s. 316.82, F.S., requiring a PDD operator to maintain an insurance policy that provides general liability coverage of at least \$100,000 for damages arising from the operation of a PDD.

Section 4 amends s. 320.02, F.S., providing that a PDD operator is not required to satisfy any other insurance requirements other than what is required in Section 3 of the bill.

Sections 5 – 8 amend ss. 316.2128(1), 316.545(2)(b), 316.613(2)(a), and 655.960, F.S., respectively, to revise cross-references to conform to changes made in the act.

Section 6 provides the bill take effect July 1, 2017.

⁶ Known as SUN Trail, the network is a component of the Florida Greenways and Trails System established in ch. 260, F.S. It “consists of multiuse trails or shared-use paths physically separated from motor vehicle traffic and constructed with asphalt, concrete, or another hard surface which, by virtue of design, location, extent of connectivity or potential connectivity, and allowable uses, provides *nonmotorized* transportation opportunities for bicyclists and pedestrians statewide between and within a wide range of points of origin and destinations...” Section 339.81, F.S. For additional details, a map, and a list of projects for Fiscal Year 2016-2017, see the Florida Department of Transportation website available at: <http://fdot.gov/info/CO/news/newsreleases/20161011-suntrailfunding.pdf>. (Last visited March 28, 2017).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Delivery service companies, businesses engaged in the manufacture or sale of PDDs, or businesses engaged in providing PDD services may all experience an indeterminate positive fiscal impact.

Personal delivery device operators could face financial penalties for any violations under ch. 316, F.S.⁷

C. Government Sector Impact:

There could be indeterminate costs associated with any regulations approved by local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 316.003, 316.008, 316.82, 320.02, 316.2128, 316.545, 316.613, and 655.960.

⁷ Section 316.655, F.S.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
